

# UNITED STATES DISTRICT COURT

## SENTENCING MINUTES

Date: 9/27/2022  
Time: 2:01-2:36

Case No.: 1:20-CR-18-1  
Judge: Hon. Anthony J. Trenga  
Reporter : Rhonda Montgomery  
Deputy Clerk: Dani Zirk  
Interpreter: \_\_\_\_\_  
Language: \_\_\_\_\_

**UNITED STATES of AMERICA**

V.

**ANDY TOVAR**

Counsel for Defendant  
**Edward Ungvarsky**  
**Joseph King**

Counsel for Government  
**Nicholas Patterson**  
**Amanda Lowe**

Court adopts PSI (X) without exceptions ( ) with exceptions: Govt.'s has no objections to the PSIR. Deft. objects to the offense conduct detailed in paragraphs 25, 28, 29, 33, 35, and 37 - overruled. Deft. also objects to the lack of entitlement for acceptance of responsibility detailed in paragraphs 102, 104, and 138, -overruled; and the criminal history category score of IV detailed in paragraph 153 – no ruling issued .

### SENTENCING GUIDELINES :

Offense Level: 43  
Criminal History: IV  
Imprisonment Range: Counts 1, 2, 4, 5, 7, and 9: LIFE  
Count 12: 120 months, consecutive to all other Counts  
Supervised Probation: Ineligible  
Supervised Release: 3 to 5 years  
Fine Range: \$ 50,000 to \$1,000,000  
Restitution: TBD  
Special Assessment \$700 (\$100 as to each Count)

### JUDGMENT OF THE COURT:

BOP for a term of LIFE as to Count 1, 120 months as to each Count 2, 4, and 7 to run concurrently to each other and all other Counts, 240 months as to each Count 5 and 9, to run concurrently to each other and all other Counts, and 120 months as to Count 12, to run consecutively to all other Counts.  
Supervised Release for a total of 5 years as to Counts 1, 5, and 12, and 3 years as to Counts 2, 4, 7, and 9, all to run concurrently, with special conditions  
Restitution of TBD  
Special Assessment \$700 (\$100 as to each Count)  
(X) Fine/costs of incarceration waived.

### SPECIAL CONDITIONS:

- X The defendant shall apply all monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains to any outstanding court-ordered financial obligation, or in a lesser amount to be determined by the Court, upon the recommendation of the probation officer.
- X The defendant shall provide the probation officer access to any requested financial information.
- X If the defendant tests positive for controlled substance or shows signs of alcohol abuse, the defendant shall participate in a program approved by the United States Probation Office for substance abuse, which program may include residential treatment and testing to determine whether the defendant has reverted to the use of drugs or alcohol, with partial cost to be paid by the defendant, all as directed by the probation officer.
- X The defendant shall participate in a program approved by the United States Probation Office for mental health treatment. The cost of this program is to be paid by the defendant as directed by the probation officer.
- X The defendant shall not communicate or associate with, by any means, any known member or associate of a criminal street gang, including, but not limited to, La Mara Salvatrucha (MS-13).

**RECOMMENDATIONS to BOP:**

- ☐ Dft. to be designated to \_\_\_\_\_
- ☐ Dft. designated to facility to participate in ICC (Boot Camp) type program
- ☐ Dft. to participate in the BOP 500 Hour Residential Drug Abuse Treatment Program (RDAP).

Defendant: ☒ Remanded    ( ) Cont'd on Bond    ( ) Referred to USPO    ( ) Self-surrender